EXHIBIT XX

REDACTED VERSION OF DOCUMENT(S) SOUGHT TO BE SEALED

1   UNITED STATES DISTRICT COURT

2   NORTHERN DISTRICT OF CALIFORNIA

3   SAN JOSE

4   ---o0o---

5

6   ERIC BENEDICT, RICHARD   )

7   BOWDERS and KILRICANOS VIEIRA,)

8   on behalf of themselves and   )

9   classes of those similarly   )

10   situated,   )

11   Plaintiffs,   )

12   vs.   )   No. C13-0119-LHK

13   )

14   HEWLETT-PACKARD COMPANY,   )

15   Defendant.   )

16   _____)

17   AND RELATED COUNTERCLAIMS.   )

18   _____)

19

20

21   VIDEOTAPED DEPOSITION OF KILRICANOS VIEIRA

22   FRIDAY, OCTOBER 4, 2013

23

24

25   PAGES 1 - 291

                                            Page 1

```
 1        Q    Other than UMAS Dartmouth, have you        10:05:35AM

 2   attended any other colleges or universities?

 3        A    No.

 4        Q    How about community colleges?

 5        A    No.                                         10:05:51AM

 6        Q    Do you have any professional

 7   certifications?

 8        A    I am VCX certified.

 9        Q    Are there different levels of VCX

10   certification?                                        10:06:20AM

11        A    Not that I recall.  I think it's just

12   Master of VCX.

13        Q    And when did you obtain your Master of

14   VCX?

15        A    I don't have an exact date.                10:06:34AM

16        Q    Do you recall who you were employed with

17   when you received that certification?

18        A    Hewlett-Packard or 3Com.  I don't recall.

19   You know, like I said, I was with 3Com for three

20   years and two of which I was with Hewlett-Packard,    10:06:50AM

21   so....

22        Q    Are you saying essentially a total of five

23   years, three of which were with 3Com and two of

24   which were with Hewlett-Packard?

25        A    (Nods head.)                                10:07:04AM
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  1              What would you do?                    11:36:42AM

  2       A    I would find out in a group, see if

  3   anybody else had a similar issue.

  4       Q    Okay.

  5              What if people said "no"?             11:36:53AM

  6       A    And then I would look for Knowledge Base

  7   articles.

  8       Q    How would you know what to look for?

  9       A    If it's Knowledge Base, it was based on

 10   the Web, so there would be a search engine, not   11:37:04AM

 11   Google, but it would be like a search engine

 12   between, you know, internal.

 13       Q    This was an internal Knowledge Base?

 14       A    Uh-huh.

 15       Q    Did you ever contribute Knowledge Base   11:37:20AM

 16   articles?

 17       A    Yes.

 18       Q    Was that part of your job?

 19       A    Yes.

 20       Q    And when would you contribute a Knowledge  11:37:25AM

 21   Base article?

 22       A    There was no, like, metric system.  It's

 23   just like if you get a -- if you get, like,

 24   something that we haven't all saw before, you know,

 25   write a document on it, so it doesn't happen to the  11:37:42AM
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1   next guy. Say, if it stumped you for more than, you   11:37:46AM

2   know, you know, a time frame, just write an article

3   on it so we don't make the same mistakes twice. A

4   wise man learns from other people's mistakes.

5   Q   Were the Knowledge Base articles also   11:38:07AM

6   written to provide solutions --

7   A   Yes.

8   Q   -- that you had determined?

9   A   Yes.

10   Q   Did you ever write any Knowledge Base   11:38:14AM

11   articles in which you provided a solution that you

12   had determined?

13   A   Yes.

14   Q   Okay.

15   A   For -- you're saying for Vertical   11:38:29AM

16   Communications?

17   Q   Right.

18   A   Yes.

19   Q   How did you determine --

20   Can you think of how you determined the   11:38:38AM

21   solutions on the occasions you wrote Knowledge Base

22   articles?

23   A   This was a Windows product, so you could

24   Google -- the platform was Windows, so you could

25   Google sometimes, you know, and find the answer that   11:38:54AM

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1   THE WITNESS: Yes.   11:53:18AM

2   BY MR. FISCHER:

3   Q   And how do you --

4   So how do you prove it's true?

5   A   So what I would do is I would -- I would   11:53:26AM

6   look at the logs, look at the call flow and

7   determine where that -- the hiccup was, you know,

8   "hiccup" being where the call is stuck. And if it's

9   on my side, I can go further with the solution.

10   But if it's -- if it's on the carrier's   11:53:58AM

11   side, I just identified -- I help -- I help the

12   carrier do their job.

13   Q   And how do you --

14   If you could, how do you use the logs to

15   reach that conclusion?   11:54:16AM

16   A   The job -- the logs -- it's basically

17   it's -- it's words on a piece of paper, and it shows

18   call data and your eye gets trained to look at

19   certain material, you know. It's like looking at

20   the notes that -- I don't want to say the wrong name   11:54:43AM

21   of -- it's like looking at the technical jargon that

22   she's going to provide in the transcript. And so --

23   but your eyes get focused on, you know, seeing --

24   seeing the call flow. So you can actually take out

25   or parse out some of the information that's being,   11:55:13AM

                                                    Page 107

1   you know -- being in that call flow.   11:55:16AM

2   Q   Did you say "parse out"?

3   A   Parse, take out.

4   Q   And how did you learn to interpret logs

5   like that?   11:55:35AM

6   A   I've been doing it for a while, and every

7   log is different.

8   MR. FISCHER: Okay. It's 11:57. I could

9   go a while longer or we can pause, whatever you, in

10   particular, Mr. Vieira, would prefer to do.   11:56:07AM

11   THE WITNESS: Let's go.

12   MR. SAGAFI: "Go" meaning eat?

13   THE WITNESS: No, let's continue.

14   MR. PILOTIN: Let's go for another 20

15   minutes.   11:56:16AM

16   THE WITNESS: Yeah.

17   MR. FISCHER: Whatever your preference is.

18   Okay.

19   THE WITNESS: Yeah.

20   BY MR. FISCHER: 11:56:21AM

21   Q   So turning back to Exhibit Number 1, if

22   you could go up to the -- the "Objective" section of

23   this resume --

24   A   Uh-huh.

25   Q   -- which again, if I heard you correctly, 11:56:41AM

                                                          Page 108

1   The question, when you're ready to answer   1:21:19PM

2   it, is whether you recognize this document.

3   A   I recognize this document.

4   Q   What is this document?

5   A   I believe I signed this document when I --   1:21:26PM

6   when I left HP.

7   Q   Did you read it before you signed it?

8   A   Yes.

9   Q   Did you understand -- strike that.

10   Did you have an understanding whether if   1:21:40PM

11   you signed this document, you would receive a

12   payment from HP?

13   A   It's stated here in paragraph 5, "in

14   return of this cash severance payment."

15   Q   Yes.   1:22:03PM

16   A   So, yeah, you wouldn't -- you wouldn't get

17   a severance package based on this document.

18   Q   Unless what?

19   A   Unless you signed it.

20   Q   Okay.   1:22:13PM

21   Do you recall actually signing Exhibit 6?

22   A   No.

23   Q   If you look at the handwriting on the

24   front, is that your handwriting?

25   A   This is my handwriting.   1:22:30PM

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1   Q   Can you think of a reason why you   1:22:32PM

2   didn't -- why you did not sign it?

3   A   No.

4   Q   Did you intend to sign it?

5   A   Yes.   1:22:43PM

6   Q   Okay.

7   And do you recall that you received money

8   from HP after you provided Exhibit 6 to them?

9   MR. PILOTIN: Objection; vague.

10   THE WITNESS: Yes.   1:22:54PM

11   BY MR. FISCHER:

12   Q   Okay.

13   In other words, you did get a -- what you

14   understood to be a cash severance payment, correct?

15   A   Right. Yes.   1:23:01PM

16   Q   Okay. Done with that one.

17   I want to turn to some questions about

18   your job at 3Com.

19   When you started working at 3Com, was your

20   office located in Marlborough?   1:23:35PM

21   A   Yes.

22   Q   At some point during your employment with

23   HP, did your office location move?

24   A   Yes.

25   Q   Where did it move to?   1:23:44PM

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1   Can you give me an example of a low-level   1:49:23PM

2   call?

3   A   That's where the Level 0, and Level --

4   Level 0 engineers were, so they're more of a

5   help-desk person, and they would triage calls, and   1:49:38PM

6   we had a Level I in-house, like, so they will triage

7   to the Level I folks, the Call Team, which Ed

8   Stratton managed, okay? And -- and that's how our

9   tickets would come in and the severity level of that

10   ticket.   1:50:12PM

11   Q   So it starts at Level -- with a Level 0

12   engineer who triages it, it then goes to a Level I

13   engineer and then, if necessary, it goes to Level

14   II, correct?

15   A   If necessary, it goes to Level II.   1:50:30PM

16   Q   And you were at Level II, right?

17   A   I believe that was my title.

18   Q   Is that your understanding -- strike that.

19   Is it your understanding that you were a

20   Level II engineer?   1:50:42PM

21   A   Yes.

22   Q   We've been talking about the tickets.

23   Let's take a look at some.

24   MR. PILOTIN: Max, if it's okay, can we

25   take a break in about 10 minutes?   1:51:39PM

                                                            Page 146

1   THE WITNESS: That is correct.   2:11:46PM

2   BY MR. FISCHER:

3   Q   Okay.

4   Is -- again, take as much time as you need

5   to review Exhibit 8, but the question is, when   2:11:57PM

6   you're ready to answer it, is this an example of a

7   ticket?

8   A   This is an example of a call tracking

9   system that we used.   And before I said it was SAR.

10   I believe this was -- SAR was -- this was in   2:12:09PM

11   conjunction with SAR, S-A-R.

12   Q   "This" being -- when you say "this" --

13   A   This document, it's a call tracking

14   system, GCSS.   I don't know what that GSS stands

15   for, but this is a call tracking system.   2:12:30PM

16   Q   Okay.

17   So let's -- let's focus -- just before we

18   get into the details of this particular exhibit,

19   the -- how -- when you're working -- strike that.

20   When you were working for 3Com and HP, how   2:12:54PM

21   would you get an assignment?

22   MR. PILOTIN: Objection; vague.

23   THE WITNESS: A ticket would come in many

24   forms, meaning it would come in from Level 0 and

25   then Level I, and then from there, they would   2:13:15PM

                                                        Page 148

1   determine where it would go, if it was a Data case   2:13:21PM

2   or a Voice case.

3   BY MR. FISCHER:

4   Q   And if it was --

5   If they determined it was a Voice case, it   2:13:30PM

6   would head to your department?

7   A   To the Enterprise Solutions Team, yes, my

8   department.

9   Q   The Voice Team?

10   A   The Voice Team.   2:13:40PM

11   Q   Okay.

12   And if you look on the front page of

13   Exhibit 8, you see that there's a -- something

14   called a Case ID --

15   A   Uh-huh.   2:13:51PM

16   Q   -- at the top?

17   A   Yes.

18   Q   Is that -- is that the same thing as a

19   ticket number?

20   A   That is a ticket number.   2:13:58PM

21   Q   Okay.

22   And so how is it that a particular ticket

23   would be one that you would be assigned to work on?

24   MR. PILOTIN: Objection; lack of

25   foundation.   2:14:08PM

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1   And if you could just help us understand what --   2:44:23PM

2   just interpret that for us.

3   A   Okay. Here, it's just saying that there's

4   a warning at such and such a time, and -- and later

5   on, it's giving some errors followed by another   2:44:38PM

6   warning.

7   Q   What are the errors? What errors is it

8   reporting?

9   A   That there's some hung jobs, hung

10   sessions.   2:44:53PM

11   Q   What's -- what's a hung session?

12   A   A hung session would be -- Oracle does

13   things in the background that we don't see, the

14   customer doesn't see, and so if it doesn't hit all

15   them points that it's supposed to do, it's going   2:45:17PM

16   to -- it's going to parse out some sort of error.

17   Q   Is -- is it a way to understand that

18   Oracle is performing some internal query that wasn't

19   completed?

20   A   That is correct.   2:45:31PM

21   Q   Okay.

22   And this error message does not indicate

23   to you why that query was not completed, correct?

24   A   That is correct.

25   Q   Okay.   2:45:40PM

                                                              Page 174

1   A   Based on -- based on the second page,   2:53:30PM

2   HP30597, I did indicate that -- here, it says, "I

3   will elevate the core file as well," so that's going

4   to another team for review.

5   Q   My question is: Did you make the decision   2:53:56PM

6   to send it to them?

7   MR. PILOTIN: Objection; asked and

8   answered.

9   THE WITNESS: Based on -- based on this

10   document, did I make the -- that could be standard   2:54:04PM

11   operating procedures.

12   BY MR. FISCHER:

13   Q   Sorry, what do you mean?

14   A   That could be part of my standard

15   operating procedures to, you know -- if it's -- if   2:54:18PM

16   it's a core file, to elevate the core file, because

17   it's not my job description to determine what this

18   technical jargon means in the core file.

19   Q   I -- I -- I understand what you're saying.

20   My question is a little bit different.   2:54:35PM

21   When you -- when you were deciding what to

22   do, if I've understood you correctly, you said it

23   could have been one of two things: You could have

24   decided to look further and delve into other logs or

25   perhaps that was a suggestion that came from Product   2:54:51PM

1   Support; is that right?   2:54:54PM

2   A   Uh-huh, yes.

3   Q   Okay.

4   So it could have been one or the other,

5   right?   2:54:57PM

6   A   Could have been one or the other.

7   Q   And my question is: Are you -- was it up

8   to you to decide at what point you were going to

9   elevate this to Product Support as opposed to try to

10   delve further or -- or employ other -- other   2:55:09PM

11   techniques to get at the problem?

12   MR. PILOTIN: Objection; asked and

13   answered.

14   THE WITNESS: Based on this core file, I

15   thought it was prudent to elevate.   2:55:22PM

16   BY MR. FISCHER:

17   Q   Okay.

18   If we could -- if you could turn to page

19   HP30604.

20   A   Yes.   2:56:03PM

21   Q   There's a note that's about a fourth of

22   the way down the page. It looks like one that you

23   entered that begins, "Hi Jim."

24   Do you see that note?

25   A   Yes.   2:56:18PM

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1   Q   Is that a note that you entered?   2:56:18PM

2   A   Yes.

3   Q   Okay.

4   And you say:

5   "Hi Jim, I escalated this case   2:56:22PM

6   to Product Support to verify if

7   this core file is harmless or not

8   ... As soon as they ping me I will

9   let you know...."

10   A   Yes.   2:56:38PM

11   Q   What did you mean, "if this core file is

12   harmless or not"?

13   A   Based on -- in Exhibit HP3597, I wanted to

14   make sure through Product Support or Development

15   that what these errors are before we would move   2:56:55PM

16   forward, because they were out of line with a system

17   that was functioning properly.

18   Q   Okay.

19   And then if you look down the page,

20   there's another note that says -- it begins, "Gave   2:57:24PM

21   Jim the solution...."

22   Do you see that?

23   A   Yes.

24   Q   Okay.

25   And it reads: 2:57:33PM

                                                         Page 182

```
 1    recommendation that it's best to add that additional      3:10:21PM

 2    bandwidth now rather than later, right?

 3         A    If it says that.  Let me see.  I don't

 4    know.  Where does it say that?

 5         Q    Well, where I'm looking, Mr. Vieira, is a      3:10:36PM

 6    note that actually begins with the word "e-mail

 7    out" --

 8         A    Okay.

 9         Q    -- at the bottom quarter of the page.

10         A    Yep.                                           3:10:45PM

11         Q    And there you've written:

12                   "Mike, Gateway utilization for

13              Outbound and Inbound calls will you

14              the some idea."

15              Do you mean the "same" idea?             3:10:53PM

16         A    Yeah.

17         Q    (Reading):

18                   "Like I mentioned on the

19              phone, it would probably be 'BEST'

20              to add a new T1 now as it's a lot      3:11:01PM

21              harder to add it later.  That's

22              my" --

23               I think you said "remomondation."

24         A    Yeah.  Yeah.  Thank you.  But there was no

25    spell checker in this thing.  So forgive my      3:11:13PM
```

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```
 1   technical jargon.                                3:11:17PM

 2        Q    Did you mean "recommendation"?

 3        A    Recommendation.

 4             MR. PILOTIN:  Don't worry, lawyers are --

 5   we spell things wrong all the time.              3:11:24PM

 6             THE WITNESS:  So to get back to the

 7   question.

 8   BY MR. FISCHER:

 9        Q    Yes.

10        A    I had him look at the Gateway Utilization    3:11:28PM

11   outbound call, and I based my information -- my

12   recommendation based on that call -- I mean, based

13   on that CDR.

14        Q    Which is the report of the volume?

15        A    The report of the volume.              3:11:41PM

16        Q    Okay.

17             So you looked at the volume, and you

18   essentially gave him the recommendation, "I'd add

19   the capacity now."

20        A    Now, because it sounded like that in    3:11:49PM

21   some -- some future date that they were going to,

22   you know, migrate the office to a bigger office.

23        Q    Got it.

24             And so was it within your job duties,

25   Mr. Vieira, to provide those sort of recommendations    3:12:04PM
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```
 1    to customers?                                    3:12:06PM

 2              MR. PILOTIN:  Objection; vague.

 3              THE WITNESS:  Well, it depends.  If

 4    there's a report in this case, there's a report, it

 5    says that, you know, what that utilization was and,   3:12:16PM

 6    you know, whatever that output is, you know,

 7    that's -- that's what I'm making recommendations on.

 8    BY MR. FISCHER:

 9         Q    Oh, no, I understand that.

10         A    Okay.                                   3:12:29PM

11         Q    You're making a recommendation based upon

12    the data itself, correct?

13         A    Right.

14         Q    My question is broader, which is whether

15    customers asked you for those types of             3:12:36PM

16    recommendations?

17         A    Well, if they asked me for a

18    recommendation, only certain recommendations I could

19    provide if I had some sort of backup.

20         Q    Data?                                   3:12:50PM

21         A    Data.

22         Q    Okay.

23              So if they asked you for a recommendation,

24    you would ask them for data upon which you could

25    make that recommendation, correct?                 3:12:57PM
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```
 1        A    That's correct.                    3:13:00PM

 2        Q    Okay.

 3             And that was something you were called

 4   upon to do while you worked at HP and 3Com, right?

 5        A    Yes.                               3:13:07PM
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 6             MR. PILOTIN:  Objection; vague and

 7   argumentative.

 8   BY MR. FISCHER:

 9        Q    I think Exhibit 10 -- I'm only smiling

10   because I think it looks like your e-mail system did   3:13:31PM

11   have spell check.

12             If you want --

13             If you could take a look in Exhibit 10 and

14   just the question really is:  Is this e-mail stream

15   related to the ticket we were just looking at?        3:13:44PM

16        A    It -- it does seem like it is, because I

17   use the same technical words as Gateway Utilization.

18   So to take it a little step further is, this call

19   tracking system I don't believe had e-mail

20   capabilities to clients, and that's why               3:14:03PM

21   Hewlett-Packard is -- moved to a different SAR

22   program.

23        Q    Got it.  Okay.

24             MR. FISCHER:  I think we've been having

25   enough fun for one hour.  Why don't we take a quick   3:14:24PM
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 1    are more of a summary of essentially the things        3:40:17PM

 2    you've tried to employ to resolve the issue; is that

 3    accurate?

 4            MR. PILOTIN:  Objection; argumentative.

 5            THE WITNESS:  It's -- you could say that        3:40:29PM

 6    it's a summary.

 7    BY MR. FISCHER:

 8         Q    Okay.

 9            Are there any documents that you're aware

10    of that would give a specific step-by-step account     3:40:38PM

11    of everything that you did to try to resolve a

12    problem?

13         A    No.  Based on just several documents there

14    that I would review to help resolve the case.

15         Q    I'll come back to that in a second.  I was    3:41:16PM

16    asking, I think, a slightly different question,

17    which is, I'm trying to figure out if there's a

18    record -- if we wanted to see what you did on a

19    particular case, I understand that one thing we can

20    look at are the case logs or the tickets, like the     3:41:29PM

21    two that we've looked at so far, correct?

22         A    Uh-huh.  Yes.

23         Q    And then we could also, in theory, look at

24    e-mails that you may or may not have cut and pasted

25    into the tickets; is that right?                       3:41:43PM
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1   Q   You mentioned, I think, in response to a   3:44:05PM

2   question that I don't think I asked you, but I'll

3   ask you now: You said there's several documents

4   that you would review to help resolve a case; is

5   that right?   3:44:16PM

6   A   That is correct.

7   Q   What documents are you referring to?

8   A   Manuals.

9   Q   Which manuals?

10   A   That's hard to say. Manuals on the ████   3:44:32PM

11   ████

12   Q   Why is it hard to say?

13   A   Because there's several manuals.

14   Q   Would you always look at a manual to

15   help -- would you -- strike that.   3:44:49PM

16   With respect to every ticket, would you

17   always look at these manuals?

18   A   I will either look at a manual or look at

19   a Knowledge Base article.

20   Q   Would you also do searches on the   3:45:07PM

21   Internet?

22   A   Searches on the Internet? Can you be more

23   specific?

24   Q   Sure.

25   Would you -- you testified earlier in   3:45:18PM

                                                          Page 200

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 1    another job -- I think it was for Vertical              3:45:20PM

 2    Communications -- you would sometimes use Google,

 3    for example, to try to figure out if the external

 4    world had ever dealt with this issue.

 5            Did you do that in your job at 3Com or HP       3:45:33PM

 6    ever?

 7        A    Not at 3Com or HP.  We had -- we had a

 8    Knowledge Base article.  It was via the Internet, so

 9    the server was in some other location that I would,

10    you know, type in some data and it would, you know,    3:45:53PM

11    give me some information based on my criteria.

12        Q    So you would type in criteria for what you

13    were researching; is that right?

14        A    That is correct.

15        Q    Okay.                                          3:46:09PM

16            And was this Knowledge Base specific to

17    the Voice Team?

18        A    It was company, so the Voice Team had

19    rights to it.

20        Q    Is one of your responsibilities to            3:46:29PM

21    actually create entries for the Knowledge Base?

22        A    That is correct.

23        Q    Okay.

24            How many times did you do that?

25        A    I don't recall the actual number.             3:46:41PM
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 1        Q    Did you do it frequently?                3:46:44PM

 2        A    I think there was --

 3             MR. PILOTIN:  Objection; vague.

 4             THE WITNESS:  I think there was some --

 5   there could have been some number that, you know, HP   3:46:53PM

 6   wanted you to write.

 7   BY MR. FISCHER:

 8        Q    Do you recall meeting that expectation?

 9        A    I can't recall.

10        Q    Did you ever do it?                        3:47:10PM

11        A    Yes.

12        Q    Okay.

13             Do you recall what the topic was you wrote

14   on?

15        A    No.                                        3:47:17PM

16        Q    And Knowledge Base entries were intended

17   to be solutions that engineers, like yourself, had

18   come up with to problems, correct?

19             MR. PILOTIN:  Objection; vague and

20   argumentative.                                       3:47:34PM

21             THE WITNESS:  They were -- they were

22   solutions to what we encountered.

23   BY MR. FISCHER:

24        Q    That -- that the engineer had come up

25   with, right?                                         3:47:45PM
```

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1   A   Right.   3:47:46PM

2   Q   Other than manuals and the Knowledge Base,

3   are there any other documents that you would refer

4   to in doing your job, the technical aspects of your

5   job?   3:48:07PM

6   A   Maybe some advice from another team.

7   Q   This would be --

8   Are you referring to instances where you

9   would decide to reach out to your colleagues on one

10 of the other teams you mentioned earlier to see what 3:48:27PM

11 their views on a particular problem was?

12   A   Right. Product Support mainly.

13   Q   Would that happen via --

14   Would you just walk down the hallway?

15 Phone them? How would you do that?   3:48:45PM

16   A   It would depend. It depends. It's safe

17 to say that we would have weekly meetings, so if

18 it's an issue that they haven't seen, they would ask

19 us, you know, let's talk about their issues. There

20 was an arena for that.   3:49:07PM

21   Q   To have a dialogue with your team and

22 their team?

23   A   That is correct.

24   Q   Okay. Okay.

25   Any other documents that you would refer   3:49:34PM

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1   to in performing the technical aspects of your job?   3:49:37PM

2   A   I can't recall the documents that I would

3   have used in the past. It's been over 18 months.

4   Sorry, sorry, sorry.

5   Q   Are you counting the months since July of   3:49:58PM

6   2012, right?

7   A   Since July. Or June 15th.

8   Q   Okay. Since June of 2012.

9   But as you sit here today, other than the

10   manuals and the Knowledge Base, you can't identify   3:50:09PM

11   any other documents that you would have used to

12   perform the technical aspects of your job, correct?

13   A   That is correct.

14   Q   And the manual -- the manual you

15   identified was the ███ manual, correct?   3:50:22PM

16   A   That is correct.

17   Q   Okay.

18   Let's come back to the manual for a

19   second.

20   Is the ███ manual something that was   3:50:46PM

21   provided to customers?

22   MR. PILOTIN: Objection; vague.

23   THE WITNESS: Yes, it was provided to

24   customers.

25

1   severity level is until they actually speak to me   3:56:02PM

2   live. They may tell the person on the phone that

3   their system is down because they want to talk to,

4   quote/unquote, the engineers and, you know, somebody

5   could sort of help them out, not like a how-to,   3:56:19PM

6   meaning -- meaning Level 0 or Level I person.

7   Q   Well, let's -- let's go --

8   So if I hear what you're saying correctly,

9   the severity level is not necessarily an indicator

10 as to whether the system's down or not; is that fair   3:56:43PM

11 to say?

12   MR. PILOTIN: Objection to the extent it

13 mischaracterizes the witness' testimony.

14   THE WITNESS: There's some gray area,

15 okay? Based on what I said before, if a system --   3:56:51PM

16 if they say it's a down system -- when someone calls

17 in, they say it's a down system, I treat it as a

18 down system.

19 BY MR. FISCHER:

20   Q   Right.   3:57:05PM

21   A   So does that answer your question? And

22 then later on, I can determine if it was actual

23 down.

24   Q   Okay.

25   Well, let's -- let's turn to -- let's turn   3:57:14PM

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```
 1    your belief that you would have looked at any          4:01:19PM

 2    documents in order to perform the tasks that you

 3    describe there?

 4         A    At this stage, what I'm looking for was --

 5    if we go back to Exhibit 9 --                           4:01:30PM

 6         Q    Yes.

 7         A    -- I'm looking for -- I'm sorry --

 8    Exhibit 8 --

 9         Q    Yes.

10         A    -- for the record.  I was looking for,       4:01:38PM

11    like, any core files that would cause an error.

12         Q    So you're investigating whether there are

13    core files that would cause an error; is that right?

14         A    Uh-huh.  Yes.

15              MR. PILOTIN:  Objection; vague.  Hold on.    4:01:51PM

16    Allow everyone to talk.

17    BY MR. FISCHER:

18         Q    Okay.

19              So when you --

20              When you are telling Chris Perry that         4:02:06PM

21    you're going to get into the system to see if

22    anything is causing the system to go down, what is

23    it that you're going to be looking for?

24         A    As I just indicated, I'm looking for

25    any -- any -- any coring of the logs.                   4:02:22PM
```

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1   A   If the issue happened previously.   4:03:53PM

2   Q   Okay.

3   And if the Knowledge Base articles and

4   manuals do not indicate a recurring problem, what's

5   the next thing you do?   4:04:08PM

6   A   Like I indicated before, is I will seek

7   assistance from the Product Support.

8   Q   Is there anything else that you might try

9   to do to resolve the problem first?

10   A   Yeah. I would look -- I would look into   4:04:31PM

11   more logs. There's-- there's-- there's many logs,

12   so....

13   Q   So is it up to you, Mr. Vieira, to

14   determine when you've kind of done enough looking in

15   logs, when you've done enough searching in Knowledge   4:04:43PM

16   Bases and manuals to see if you can figure out what

17   the problem is --

18   MR. PILOTIN: Objection; vague. Sorry.

19   BY MR. FISCHER:

20   Q   -- and then make the decision to seek   4:04:52PM

21   assistance?

22   MR. PILOTIN: Objection; vague, compound

23   and argumentative.

24   THE WITNESS: As a Technical Support

25   Engineer, we try to take the call as far as we can   4:05:04PM

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1   possibly take it through completion.   4:05:08PM

2   BY MR. FISCHER:

3   Q   And the company is relying on you to make

4   a determination as to when you can't take it any

5   further, correct?   4:05:22PM

6   MR. PILOTIN: Objection; calls for

7   speculation and vague.

8   THE WITNESS: My boss is -- you know, if I

9   can't take, you know -- I'll take -- like you said,

10   I would take a call to a certain point, and I would   4:05:37PM

11   raise an issue to my boss, and then from there,

12   he -- he would give us some sort of permission to go

13   talk to Product Support, or if that permission is

14   not granted, like I said before, there is an arena

15   for that, you know, like on conference calls. We   4:06:02PM

16   have in-house meetings, weekly meetings to

17   collaborate, you know, with our team.

18   BY MR. FISCHER:

19   Q   Is it your testimony, Mr. Vieira, that you

20   needed permission from Ed Stratton in order to talk   4:06:19PM

21   to Product Support?

22   MR. PILOTIN: Objection to the extent it

23   mischaracterizes the witness' testimony and

24   argumentative.

25   THE WITNESS: To -- I don't know if it's   4:06:32PM

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1   moving to HP, Product Support -- things got a little   4:06:34PM

2   strict, and they -- Product Support wanted you to

3   fill out a questionnaire of work that has been

4   completed.

5   To answer your question, your previous   4:06:55PM

6   question, is that would determine how far you went

7   with the case. So we would go as far as -- as -- if

8   it's a down system, we could get the information

9   in-house, meaning a copy of that database, and we

10   will rack the system, we will put the system -- we   4:07:22PM

11   would put their -- their product on our environment

12   and then -- and then try to see what's going on.

13   From there, you know, I would bring it up to Ed or

14   my team lead, and then from there, we will elevate

15   the issue.   4:07:49PM

16   BY MR. FISCHER:

17   Q   Just going back to what you just said, "if

18   it's a down system, we could get the information

19   in-house, meaning that a copy of the database and we

20   would rack the system. We'd put the system on our   4:08:04PM

21   environment and try to see what's going on from

22   there."

23   That's what you just testified to.

24   You're referring now to what you, yourself

25   would be doing, correct?   4:08:14PM

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```
 1          A    Me, myself.                              4:08:16PM

 2          Q    Okay.

 3               In terms of --

 4               You're describing, correct, replicating

 5     the system in a lab environment, right?            4:08:23PM

 6               MR. PILOTIN:  Objection; vague.

 7               THE WITNESS:  That is correct.

 8     BY MR. FISCHER:

 9          Q    And when you say, "Try to see what's going

10     on from there, try to determine what the cause of   4:08:33PM

11     the problem is," right?

12          A    That is correct.

13          Q    Okay.

14               If you go back to Exhibit 8, you'll recall

15     that we saw some advice that you received from Steve 4:09:05PM

16     Doane, right?

17          A    That is correct.

18          Q    Is it your testimony that you needed

19     permission in order to reach out to Steve Doane and

20     get his advice?                                     4:09:20PM

21               MR. PILOTIN:  Objection; argumentative.

22               THE WITNESS:  There was a time that --

23     that you needed permission, meaning things change.

24     Like, meaning our titles changed, and so yes.  There

25     was a time that it wasn't that easy to -- to have    4:09:38PM
```

1   that contact with the next level. They wanted some   4:09:44PM

2   sort of metric system, so they asked us to put --

3   put it in the call tracking system.

4   BY MR. FISCHER:

5   Q   Okay.   4:09:56PM

6   A   So meaning when I said Ed Stratton, you

7   know, Ed Stratton would hold these weekly meetings

8   and, you know -- and then, you know, in his weekly

9   meetings, we would collaborate and Ed, with the team

10   leads, you know, would determine -- I don't know if   4:10:16PM

11   it was actually Ed Stratton saying, "Okay, you

12   should escalate this," or a team lead saying, "This

13   is a valid -- a valid document to escalate." And

14   it's not just on -- on system down; we would -- we

15   would have -- we would have these weekly meetings to   4:10:42PM

16   determine the -- I guess, the status of the case.

17   If that's what you're asking.

18   Q   And this was --

19   This was a meeting in which you would

20   participate, right?   4:10:58PM

21   A   Yes.

22   MR. PILOTIN: Objection; vague.

23   BY MR. FISCHER:

24   Q   And your -- you were permitted to speak in

25   the meeting and talk about the case, right?   4:11:03PM

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 1        A     With my team, yes.                          4:11:05PM

 2        Q     Yeah.  And express your own views as to

 3   what should happen, right?

 4              MR. PILOTIN:  Objection; vague and

 5   argumentative.                                          4:11:10PM

 6              THE WITNESS:  I would -- I would state the

 7   facts was, you know, "This -- this XY and Z -- I did

 8   XY and Z.  Now, is there anything else," you know --

 9   "has anybody else in this group witnessed or saw

10   this type of issue before?"                             4:11:31PM

11   BY MR. FISCHER:

12        Q     Right.

13              You were seeking guidance in that setting

14   from your -- from the other team members, right?

15        A     Yes.                                         4:11:40PM

16              MR. PILOTIN:  Objection; vague,

17   argumentative.

18              Just hold on for a little bit.

19              THE WITNESS:  I know.  Okay.

20   BY MR. FISCHER:                                         4:11:44PM

21        Q     Would you agree with me that in Exhibit 8

22   there's no evidence that you got permission from Ed

23   Stratton to reach out to Steve Doane?

24        A     That's safe to say.

25        Q     Okay.                                        4:11:53PM
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 1    here is the system was going down previously, and it      4:13:08PM

 2    went down again and it came back up, so I just

 3    looked to see if there was, you know, a recurring --

 4    recurring issue.

 5    BY MR. FISCHER:                                            4:13:24PM

 6         Q    So -- so opening the ticket, you were

 7    suggesting that he open a data ticket for the Data

 8    Team because you had seen -- you were recommending

 9    that to him because you had seen a prior ticket that

10    involved a ███ switch; is that right?                     4:13:36PM

11         A    That is correct.

12         Q    Okay.

13              Let's go to the next note on this page.

14    It looks like another note that you authored.

15              Would you agree with that?                      4:13:59PM

16         A    Yes.

17         Q    Okay.

18              And you've written:

19                   "Talked with Rob, Gateway

20              looks good.  The errors are a                   4:14:06PM

21              result of the network."

22         A    Uh-huh.

23         Q    Do you know why you reached that

24    conclusion?

25         A    Yes.  Based on the logs that I gathered.        4:14:18PM
```

1   Q   That you analyzed, right?   4:14:24PM

2   A   Yes.

3   MR. PILOTIN: Objection; vague.

4   BY MR. FISCHER:

5   Q   And you've -- is --   4:14:28PM

6   Is it correct that what follows in this

7   note is an e-mail -- an e-mail that you've cut and

8   pasted into the note?

9   A   Uh-huh, yes.

10   Q   Okay.   4:14:49PM

11   And does what you cut and pasted into the

12   note extend all the way until the bottom of page

13   HP30779?

14   A   That is correct.

15   Q   Okay.   4:15:19PM

16   If you look back at the top of this note

17   on page HP30777, you've indicated:

18   "There are two errors on your

19   gateway. 1. result of having one

20   powersupply. 2. Ethernet link   4:15:34PM

21   down (RESULT of disconnect from the

22   swith [sic]). Hope that helps."

23   How did you reach those conclusions?

24   A   Through the GUI.

25   Q   What is a GUI?   4:15:46PM

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1   document, I don't recall stating that there was a   4:46:12PM

2   document.

3   Like I said earlier, you know, we would

4   take it as far as we could possibly take it.

5   BY MR. FISCHER: 4:46:26PM

6   Q   Based upon your conclusion that you had

7   taken it as far as you could, correct?

8   MR. PILOTIN: Objection; argumentative.

9   THE WITNESS: Yes.

10   BY MR. FISCHER: 4:46:37PM

11   Q   Coming back to the types of solutions that

12   you were able to find for the customers, I think

13   we've seen from some of the examples we've looked at

14   today, sometimes the recommendation is that they

15   install a patch of some type, correct?   4:46:58PM

16   A   Based on the stuff that we saw today, yes.

17   Q   Okay.

18   And sometimes you're recommending to them

19   that they change certain settings on their server,

20   correct?   4:47:09PM

21   A   Based in the GUI, what we saw in the GUI,

22   yes.

23   Q   Can you give other examples of types of

24   solutions that you would be offering -- that you

25   would be recommending to clients or customers?   4:47:19PM

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```
 1    Version 6; is that right?                          5:06:10PM

 2         A    That is correct.

 3         Q    Okay.

 4              And this is Version 6 of what?

 5         A    ████                                      5:06:14PM

 6         Q    Okay.

 7              And then would you agree that your advice

 8    back to him and your recommendation back to him

 9    appears at the top of Exhibit 14?

10         A    Yes.                                      5:06:27PM

11         Q    Okay.

12              And your ultimate recommendation is that

13    you would wait longer, correct?

14         A    Yes.

15         Q    Why is that --                            5:06:39PM

16              Why was that your recommendation?

17         A    Based on his system and looking through

18    the GUI, I think it -- I -- I just thought maybe it

19    would be more prudent to stay where he is.

20         Q    Putting a patch in now might create more  5:06:58PM

21    problems for him?

22         A    I wouldn't say "create more problems," but

23    just -- I don't think, you know -- this is some time

24    ago but, you know, I just don't think moving --

25    moving forward to the higher version is going to get 5:07:13PM
```

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1   I, the undersigned, a Certified Shorthand

2   Reporter of the State of California, do hereby

3   certify:

4   That the foregoing proceedings were taken

5   before me at the time and place herein set forth; that

6   any witnesses in the foregoing proceedings, prior to

7   testifying, were administered an oath; that a record of

8   the proceedings was made by me using machine shorthand

9   which was thereafter transcribed under my direction;

10   that the foregoing transcript is a true record of the

11   testimony given.

12   Further, that the foregoing pertains to the

13   original transcript of a deposition in a Federal Case,

14   before completion of the proceedings, a review of the

15   transcript [ ] was [X] was not requested.

16   I further certify I am neither financially

17   interested in the action nor a relative or employee of

18   any attorney or any party to this action.

19   IN WITNESS WHEREOF, I have this dates

20   subscribed my name.

21

22   Dated: October 13, 2013.

23

24   KELLI COMBS

             CSR No. 7705

25

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